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21005	7590	05/02/2006	EXAMINER	
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.			WINDER, PATRICE L	
530 VIRGINIA ROAD			ART UNIT	
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CONCORD, MA 01742-9133			2145	

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/836,886

Applicant(s)

COUSINS ET AL.

Examiner

Patrice Winder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-84 is/are pending in the application.
- 4a) Of the above claim(s) 7-64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 65-74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 7-64 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 21, 2005.
2. This application contains claims 7-64 drawn to an invention nonelected with traverse in the reply filed July 21, 2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: "the the" in last line. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 65-80 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention. See "Guided Discovery: Decision Making in an Era of Rapid Change.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-6, 65-71 are rejected under 35 U.S.C. 102(e) as being anticipated by Barton et al., US 2002/0059093 A1 (hereafter referred to as Barton).

8. Regarding claim 1, Barton taught a process implemented in a network of client browser and application server computers for interactive, collaborative group decision making among multiple participants (paragraphs 47-48), the process comprising the steps of:

specifying elements of a participant survey process, the survey elements each relating to one or more spheres of influence objects to be used in a decision making process (paragraph 62);

collecting survey response data for the survey elements from multiple participants using a survey process (paragraphs 59-60);

specifying an automatic logic model process for facilitating group decisions according to decision logic functions given the survey response data as inputs (paragraph 63);

automatically and continuously analyzing the survey response data to provide a

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compiled visualization of a collaborative group decision, reflecting changes to the survey response data on a real time basis (paragraphs 65-66, 69);

automatically and continuously identifying, collecting and compiling opportunities for action to improve organizational performance (paragraphs 72-73); and

automatically tracking changes and monitoring performance to provide guidance in managing the collaborative group decision process (paragraphs 81, 89).

9. Regarding dependent claim 2, Barton taught additionally comprising the step of: presenting a real time interactive display of results of the analyzing step (paragraph 91).

10. Regarding dependent claim 3, Barton taught wherein the survey response data is categorized by participant class (paragraph 69).

11. Regarding dependent claim 4, Barton taught where in step (e) provides the consolidated results display to participants and individual participants are not permitted to review survey results for other individual participants without their consent (paragraphs 50, 66).

12. Regarding dependent claim 5, Barton taught wherein the group decision making process is a framework for organizational decision making (paragraphs 42-45).

13. Regarding dependent claim 6, Barton taught wherein the spheres of influence elements are selected from a group consisting of leadership, marketing, strategy, finance, operations, sales, structure, culture, development, staffing, and customer elements and populated with data from a questionnaire (paragraph 62).

14. Regarding claim 65, Barton taught a process for aiding collaborative decision making, the process executing within a data processing system (abstract), comprising

the steps of:

gathering individual survey responses to survey elements from each member of a group of people involved in the collaborative decision making (paragraph 14);

representing the individual survey responses in one or more influence objects format that represents both the individual survey responses as well as relationships between the individual responses (paragraph 66); and

providing a graphical display of the state of individual survey responses as represented in the graphical influence objects and relationships between the influence objects using a common graphical model (paragraph 66, 73).

15. Regarding dependent claim 66, Barton taught wherein the step of gathering survey responses is performed in a network of computers, with the members of the group providing their individual survey responses through respective client computer systems (paragraph 13).

16. Regarding dependent claim 67, Barton taught wherein the survey elements incorporate an open ended question model that encourages survey responses that can be categorized in predefined possible responses (paragraph 41).

17. Regarding dependent claim 68, Barton taught additionally comprising the steps of: specifying an automatic logic model process is specified according to decision logic functions, the logic model process being used to analyze the influence objects (paragraphs 39-40).

18. Regarding dependent claim 69, Barton taught wherein subject areas for the graphic influence objects are selected from a lexicon consisting of key words for

leadership, marketing, strategy, finance, operations, sales, structure, culture, development, staffing and customer activities (paragraph 62).

19. Regarding dependent claim 70, Barton taught wherein the common graphical model further comprises an influence perception map that includes a graphical display of the state of the graphic influence objects having a predetermined spatial pattern with respect to one another (paragraph 73).

20. Regarding dependent claim 71, Barton taught wherein the spatial pattern for visualizing the graphic influence objects has been statistically derived from frequency distribution of interactions reported (paragraphs 69, 73).

### ***Claim Rejections - 35 USC § 103***

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 72-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barton in view of Cimral et al., USPN 6,578,004 B1 (hereafter referred to as Cimral).

23. Regarding dependent claim 72, Barton does not specifically teach wherein the graphical representation of the graphic influence objects is spheres. However, Cimral taught a graphical representation of graphic influence objects is spheres (column 5, lines 28-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Cimral's spheres in Barton's compliance program

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assessment would have improved system robustness. The motivation would have been to provide status of compliance issues.

24. Regarding dependent claim 73, Cimral taught wherein the states of the graphic individual influence objects are represented as different colors (column 5, lines 28-45).

25. Regarding dependent claim 74, Cimral wherein the states of the graphic individual influence objects are represented as a traffic light, wherein the colors red, yellow and green represent, respectively, a range of responses to survey questions indicating a status of trouble, status quo or no problems reported (column 5, lines 36-37, 60-67).

26. Regarding dependent claim 75, Barton does not specifically teach links to represent the relationships between graphic influence objects. However, Cimral taught wherein relationships between the influence objects are graphically represented as links between the graphical representations of the corresponding influence objects (column 5, lines 28-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Cimral's investment maps in Barton's dashboard would have improved system visualization. The motivation would have been to use a mapping that better reflects compliance issues.

27. Regarding dependent claim 76, Cimral taught wherein the links represent a rate, level or direction of interactivity between specified graphic influence objects (column 5, lines 28-45).

28. Regarding dependent claim 77, Cimral taught wherein the links are rendering graphically as a line with varying thickness, wherein the thickness of the line indicates



how many survey responses fall into a particular category (column 5, lines 28-45).

29. Regarding dependent claim 78, Cimral taught wherein the links are selected from the group consisting of a positive link or connection, and a negative link or block (column 5, lines 38-45).

30. Regarding dependent claim 79, Cimral taught wherein the positive links are represented as a black line and a negative link as a black hammer (column 4, lines 62-67).

31. Regarding dependent claim 80, Barton does not specifically teach a reflection map. However, Cimral taught additionally comprising the step of: providing a reflection map that represents a compilation of two or more graphic influence maps, wherein the states of the compiled influence objects are responses graphically as spheres, with portions of the spheres colored to indicate the number of responses of a particular type for each possible state of the corresponding influence object (column 5, lines 28-45).

For motivation combination see claim 75, above.

32. Regarding dependent claim 81, Barton does not specifically teach a hemisphere map. However, Cimral taught additionally comprising the step of:  
providing a hemisphere map that represents a level of congruence or divergence between two influence maps, different data sets, the hemisphere map dividing a graphical representation of a sphere along a vertical diameter into two hemispheres, with a hemisphere devoted to each data set (column 4, lines 25-42). For motivation combination see claim 75, above.

33. Regarding dependent claim 82, Cimral taught wherein portions of the

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hemispheres are colored to indicate the number of responses of a particular type for each possible state of the corresponding influence object from the respective data set (column 4, lines 58-67).

34. Regarding dependent claim 83, Cimral taught additionally comprising the step of: providing a circuit board map that represents compiled individual influence maps, with compiled corresponding connections and blocks rendered as lines or hammers with a varying visual attribute (column 5, lines 28-45).

35. Regarding dependent claim 84, Cimral taught wherein the varying visual attribute of the link is selected from the group consisting of line thickness and line color (column 5, lines 34-37).

### ***Response to Arguments***

36. Applicant's arguments filed February 8, 2006 have been fully considered but they are not persuasive.

37. Applicant argues – “In particular, the claim is directed to a process implemented in a network of client browser and application server computers.”

a. In response to applicant's arguments, the recitation “implementation in a network of client browser and application server computers” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process

steps or structural limitations are able to stand alone. See *In re Hirao*, 535

F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

38. Applicant argues – “It was, for example, necessary for Applicants to develop not only the high level concept shown in Fig. 1 of their application, but also procedures for extracting a ‘scoring matrix’ as described in connection with Figs. 3 and 4 of their application. These were a necessary part of an ‘automatic logic model process’...”

b. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “automatic logic model process”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). These features are not in claim 65.

39. Applicant argues – “But contrary to the Examiner's belief, Barton does not at all teach a method for collaborative group decision making.”

c. Applicant unfairly characterizes Barton's decision making process, in paragraph 13, Barton discloses that “process owners” and “members of cross functional teams” participate in the survey process. Hence, providing collaboration within a group. Later these same persons are instrumental in prioritizing actions and allocating resources in paragraph 81, which is “decision making”.

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40. Applicant argues – “Barton also does not specify elements of an automatic participant survey process.”

d. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “automatic participant survey process”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The Examiner is not sure what Applicant means by this argument.

41. Applicant argues “Most importantly, Barton does not specify an automatic logic process for facilitating group decisions... This is merely an optional presentation of action item lists; it is not even suggestion of a system where a group decision is made via an automatic logic model process.”

e. Applicant's language as recited by the claims is “for facilitating group decision”, thus the breath does not require the automatic logic process make group decisions as Applicant appears to argue. Barton's “automatic logic model process” operates according to decision logic functions given the survey response data as inputs. The decision logic functions are modified depending on the survey response data inputs and all of this processing facilitates group decisions.

42. Applicant argues – "...[T]here is no notion of automatically and continuously analyzing survey response data to provide a compiled graphical view of collaborative group decision, on a real time basis, as the individual responses change."

f. Through Barton's surveying system multiple assessment areas 102 are reviewed for compliance see paragraph 62. All of the response data collected in server 12 is used to provide a graphical view of group decision for each compliance area. Changes to server 12 are reflected on a real-time basis according to paragraph 49.

43. Applicant argues – "By such objects, Applicant's are specifically referring to such structures as shown in Fig. 6 of this application."

g. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Figure 6) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

44. Applicant argues – "Cimral, however, does not represent an influence object themselves are a depiction of a complied group decision, that involves representing both individual survey responses as well as relationships between spheres."

h. Barton taught that survey response data to facilitate group decision making is compiled to a visual representation such as dashboards and scorecards, which illustrate relationships between the objects in paragraph 93.

Cimral taught that scorecard may be visualized as spheres. In combination, Barton and Cimral taught spherical influence objects.

### ***Conclusion***

45. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

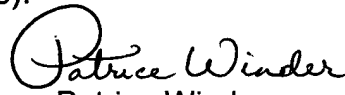
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

46. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Patrice Winder  
Primary Examiner  
Art Unit 2145

May 1, 2006